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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,933	05/26/2000	David V. Goeddel	P0960R1D1C2	9126
7590 12/05/2003			EXAMINER	
Diane L Marschang Genentech Inc 1 DNA Way South San Francisco, CA 94080-4990			SCHEINER, LAURIE A	
			ART UNIT	PAPER NUMBER
			1648	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Elinor K. Shin
GENETECH INC
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Legal Department MS/49
South San Francisco, CA 94080-4990

In re Application of :
David V. Goeddel et al :
Serial No.: 09/579,933 : Decision on Petition
Filed: May 26, 2000 :
Attorney Docket No.: P0960R1D1C2 :

This is in response to applicants' "Petition and Fee for Five Month Extension of time (37 CFR 1.136(a))" and "Communication Regarding Notice Abandonment" were filed on October 3, 2003. The "Communication Regarding Notice Abandonment" is being treated as petition under 1.181 requesting withdrawal holding of abandonment.

On September 3, 2002, a Final office action was mailed. On March 3, 2003, a Notice of Appeal and Petition to Extend Time were filed on March 3, 2003, setting the time for filing an appeal brief on May 3, 2003. On September 24, 2003, a Notice of Abandonment for failure to timely file a reply was mailed to applicants. On October 3, 2003, the present petition was filed. The petition was accompanied with Petition for five-month extension of time. Applicants assert that the Notice of Abandonment mailed September 24, 2003 was premature. Applicants further expressly abandon the instant application in favor of a continuing application filed concurrently.

File history and applicants' amendment have been reviewed and considered. The Notice of Abandonment dated September 24, 2003 is deemed premature and improper. Accordingly, the petition is Granted.

The application has been returned to pending status and expressly abandoned. A copy of Notice of Abandonment indicating express abandonment is attached.

Petition GRANTED.

Should there be any questions with respect to this decision, please contact Cecilia Tsang, by mail addressed to: Director, Technology Center 1600, Alexandria, VA 22313-1450, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.


Jasemine Chambers
Director, Technology Center 1600